



LPA-354-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

LPA-354-2023 (O&M)

Reserved on : 23.07.2026

Pronounced on: 05.08.2026

Uploaded on: 07.08.2026

Khaili Ram

..... Appellant

VERSUS

The Financial Commissioner (Revenue) Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Ms. Anju Arora, Advocate, for the appellant.

Mr. Akhil Kamra, AAG, Punjab.

Mr. Yogesh Kumar Aneja, Advocate for
Mr. Suresh Kumar Aneja, Advocate
for respondent No.4.

SUVIR SEHGAL, J.

1 This appeal has been filed under Clause X of the Letters Patent, impugning judgment dated 14.07.2022, passed by the learned Single Judge, whereby a writ petition filed by Jagat Pal-respondent No.4 was allowed and orders passed by the revenue authorities were set aside with a direction to appoint him as a Lambardar.



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2. A brief resume of facts leading to the filing of the appeal are that a vacancy arose for the post of Lambardar in village Kathera, Tehsil and District Fazilka. Vide order dated 11.12.2014, Annexure P-3, District Collector, Fazilka appointed appellant to the post of Lambardar. An appeal and revision filed by Jagat Pal were dismissed by the Commissioner and Financial Commissioner vide orders dated 04.03.2016 and 08.10.2018, Annexures P-5 and P-7, respectively. Jagat Pal filed a writ petition, which has been accepted vide the impugned judgment dated 14.07.2022 and the orders passed by the revenue authorities have been set aside with a direction to appoint him as Lambardar.

3. Ms. Anju, counsel for the appellant has argued that the choice of the Collector is paramount in appointment of a Lambardar. Relying upon **Mahavir Singh Vs. Khiali Ram and others, (2009) 3 SCC 439**. She urges that if two views are possible, High Court under Article 226 cannot substitute its opinion over that of the revenue authorities. She contends that High Court in exercise of writ jurisdiction, cannot act as a Court of appeal to re-appreciate comparative merits of the candidates.

4. *Per contra*, Mr. Yogesh Kumar Aneja, counsel for respondent No.4 urges that the revenue authorities have given a firm finding that respondent No.4 is more meritorious than the other two candidates. Placing reliance upon a Division Bench judgment of this Court in **Tripat Singh Vs. Financial Commissioner and others, 2014 (3) RCR (Civil) 725**, it has been contended that working as a Clerk with a lawyer cannot be a disqualification for appointment as a Lambardar.



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5. We have heard counsel for the parties and considered their respective submissions besides examining the record.

6. There is no dispute about the settled legal position. In **Mahavir Singh's case** (supra), Hon'ble Supreme Court has held that the writ Court exercises limited jurisdiction and should not ordinarily act as an appellate authority to evaluate the comparative merits of the candidates for the post of Lambardar. However, Apex Court has simultaneously carved out an exception that judicial review is warranted when decision making process is tainted with patent perversity, illegality or non-consideration of relevant statutory criteria.

7. A glance at the comparative merit of the candidates reveals a perversity in the decision taken by the Collector. At the time of evaluation, Jagat Pal was 32 years of age, whereas the appellant was 62 years old. In **Mahavir Singh's case** (supra), Supreme Court has interpreted the Punjab Land Revenue (Lambardari) Rules, 1908 and has held that age is a relevant factor for the post of Lambardar and a younger person is naturally more capable of discharging active duties. Jagat Pal is a 10+2 pass, which makes him significantly more educationally qualified than the appellant, who is a sixth pass. Jagat Pal's father was serving as a Lambardar, which makes him familiar with the job requirement. This establishes that Jagat Pal is comparatively a better candidate than appellant. The finding recorded by the Collector that a 62 year old candidate possesses more experience, is completely baseless as there is no document to show that he was familiar with the Lambardari work.



8. Revenue authorities have clearly erred in holding that being a Clerk to an Advocate was a disqualification or a hindrance in the performance of the duties of a Lambardar. In **Tripat Singh's case** (supra), a Division Bench of the Court has held that working as an Advocate's Clerk is an asset rather than a disqualification as it increases a candidate's familiarity with the legal and administrative work. Such a candidate is definitely more equipped to handle the Lambardari work than a 62 year old sixth pass candidate. Selection of appellant, who is the sexagenarian, over Jagat Pal-respondent No.4, who definitely is more educated, younger in age and familiar with the legal as well as administrative work, is a decision which no ordinary prudent man could arrive at. Under these circumstances, this Court is of the view that the learned Single Judge was fully justified and acted within the ambit of Article 226 of the Constitution to strike down a perverse administrative orders. The principles laid down in **Mahavir Singh's case** (supra) do not shield an administrative action that completely shuts its eyes to comparative merit and logic. We do not find any illegality or infirmity in the judgment dated 14.07.2022 passed by the learned Single Judge.

9. Letters Patent Appeal being devoid of merit is hereby dismissed with no order as to costs.



10. Pending miscellaneous application(s), if any, also stands disposed of.

(SUVIR SEHGAL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

05.08.2026
Ramandeep Singh

Whether speaking / reasoned	Yes
Whether Reportable	Yes